



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

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Washington, D.C. 20531

January 19, 2007

FROM THE BUREAU OF JUSTICE STATISTICS

The Bureau of Justice Statistics (BJS) of the U.S. Department of Justice is again sponsoring a biennial felony sentencing study, the National Judicial Reporting Program (NJRP). The NJRP compiles sentencing data from 300 court jurisdictions across the country and is a program in which your jurisdiction has participated in prior years. We request your cooperation in providing the United States Census Bureau, the data collection agent, with similar case data for individual felons sentenced in 2006.

The NJRP collects information concerning sentences imposed on felony offenders, including age, race, and gender; dates of arrest, conviction, and sentencing; the three most serious charges on which sentenced, the type of sentence imposed, and the sentence term. These same data items were collected for the 2004 survey.

With the increased use of computers in state courts, we strongly encourage all participants to submit data electronically through our secured website at <https://harvester.census.gov/njrp>. Please call us to obtain your password. You may also mail your submission to U.S. Census Bureau, 4600 Silver Hill Road, Rm. HQ-6K250A, Washington, DC 20233, ATTN: GOVS/NJRP. Enclosed are materials that will assist you in providing data for the 2006 NJRP. Use the following as a guide when determining which cases to include:

**Include:**

- ◆ Felony convictions only
- ◆ *Sentenced between January 1, 2006 - December 31, 2006, regardless of case initiation, filing, or conviction date*
- ◆ Felony sentences to prison, jail, probation, fine, restitution, community service, treatment or other sentence

**Exclude:**

- ◆ Misdemeanors
- ◆ Probation before judgment
- ◆ Not guilty
- ◆ Dead docket
- ◆ Dismissed
- ◆ Sentence dates outside the reference period
- ◆ Nolle prosequi (formal decision by prosecutor to discontinue prosecution proceedings)
- ◆ Adjudication withheld
- ◆ Probation technical violators

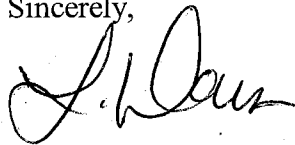
All information that could identify individuals will be held strictly confidential by BJS as required by Title 42, United States Code, Section 3789g. The Omnibus Crime Control and Safe Streets Act of 1958 as amended (42 U.S.C. 37) authorizes the collection of these data. The Federal Office of Management and Budget have approved this request for information in accordance with the clearance requirements of the Paperwork Reduction Act of 1980 as amended (44 U.S.C. 3507). Although participation is voluntary, cooperation of each jurisdiction is important to the success of the effort.

Public reporting burden for this collection of information is estimated to average 8.1 hours per respondent, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the National Judicial Reporting Program, Bureau of Justice Statistics, 810 7<sup>th</sup> Street, N.W., Washington, DC 20531, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Projects, 1121-0130, Washington, DC 20503.

We would appreciate receiving your data by March 30, 2007. If you have any questions, please call Latrice Davis or Andrea Arroyo at the U.S. Census Bureau on (800) 253-2078.

Thank you for your cooperation in this important data collection effort.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Davis", written over a horizontal line.

Latrice Davis

Andrea Arroyo

**Indiana Supreme Court  
Division of State Court Administration**

**DISTRIBUTION RECEIPT FORM FOR BULK DISTRIBUTION OF DATA OR  
COMPILED INFORMATION**

This form is to be filed with the Division of State Court Administration within thirty (30) days of receipt of bulk distribution of court records.

**Bulk Data Requested** (i.e. docket information, court records, record of judgments and orders):

**Date Received** (if the distribution shall be continuous, indicate the first date the data was distributed):

**Format of distributed data** (i.e. electronic feed, paper copies, et cetera):

**Expenses related to receipt of data distribution** (indicate the amount paid for distribution of data):

\$

\_\_\_\_ total    \_\_\_\_ monthly    \_\_\_\_ annual

**Comments:**

# Request for Bulk Data/Compiled Information

STATE OF INDIANA  
IN THE \_\_\_\_\_ COURT  
CASE NUMBER \_\_\_\_\_

## REQUEST FOR RELEASE OF BULK DATA/COMPILED INFORMATION (NOT EXCLUDED FROM PUBLIC ACCESS)

To the Executive Director of State Court Administration:

Pursuant to Administrative Rule 9(F)(3) this request for release of bulk data/compiled information that does not contain information excluded from public access pursuant to Administrative Rule 9(G) or (H) is submitted:

I. Identity of Applicant: Latrice Brogsdale-Davis  
Address: 41600 Silver Hill Road, Rm. 6K250A  
GOVS Div., Washington, DC 20233  
Telephone: 301-763-7337 or 800-253-2078  
E-Mail: Latrice.M.Brogsdale.Davis@census.gov

II. Identification of Bulk Data/Compiled Information sought:

(specify and describe the records sought and the compiler or location)

2006 Sentenced Felon Records (See attached documents) from Johnson County records.

III. Identification of Court(s) Exercising Jurisdiction Over the Records:

(List the Court(s))

Johnson County Court, Indiana

IV. Purpose for Request: Is release consistent with the purposes of Administrative Rule 9? Are resources available to prepare the information? Is fulfilling the request an appropriate use of public resources?

(Set forth reason)

V. Attach a copy of each permission from a Court or County to obtain bulk distribution of Data or Compiled Information that has already been issued.

N/A

VI. Attach a copy of each Agreement Applicant has entered into with each Court or County listed in Section III to provide public access services or to obtain bulk distribution of Data or Compiled Information.

N/A

VII. Identify the frequency with which bulk Data and Compiled Information is being requested to be transferred to applicant by each Court and county listed in Section III.

The frequency of our request will be every two years, only if Johnson County is selected to be in the sample of courts in Ireland.

VIII. Describe the resources available to prepare the information.

N/A

IX. Describe how fulfilling the request is an appropriate use of public resources.

Fulfilling this request is an appropriate use of public resources because obtaining these data will ensure the DOJ has relevant and an accurate national picture of sentencing practices across the country. Your continued support is vital.

X. Applicant is (is not) willing to pay the reasonable cost of responding to this request.  
If not, why?

Applicant is willing to pay reasonable cost of responding to this request.

XI. Does this Request include a request for permission to transfer the bulk Data and Compiled Information to a third party?

Yes. This data will be transferred to the US Department of Justice.

XII. If the answer to the question in Section XI is no, there is no need to provide the following information but if the answer is yes, please provide the following:

- A. the name of the third party or parties; US Department of Justice
- B. the amount that will be charged to the third party, based solely upon time and materials required to deliver the bulk data; NO charge to third party.
- C. the frequency with which charges will be incurred; and,

N/A

D. the frequency of the transfer of data and information to the third party. Once every two years.

E. Attach a copy of the Agreement entered into or intended to be entered into with each third party.

See attached letter from Mr. Durose.

By signing this request, I represent that I am authorized to do so on behalf of Applicant.

L. Brogdsdale Davis  
Signature

Latrice M. Brogdsdale-Davis  
Printed Name

Supervisory Survey Statistician  
Title

2/25/08  
Date

**U.S. Department of Justice****Office of Justice Programs*****Bureau of Justice Statistics***

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*Washington, D.C. 20531*

February 21, 2008

The Bureau of Justice Statistics (BJS) of the U.S. Department of Justice is currently conducting data collection for the 2006 National Judicial Reporting Program (NJRP). I am writing to request your cooperation in providing the United States Census Bureau, the data collection agent, with case data for individual felons sentenced in 2006.

All information that could identify individuals will be held strictly confidential by BJS as required by Title 42, United States Code, Section 3789g. The Omnibus Crime Control and Safe Streets Act of 1958 as amended (42 U.S.C. 37) authorizes the collection of these data. The Federal Office of Management and Budget have approved this request for information in accordance with the clearance requirements of the Paperwork Reduction Act of 1980 as amended (44 U.S.C. 3507). Although participation is voluntary, cooperation of each jurisdiction is important to the success of the effort.

If you have any questions, please feel free to contact me at (202) 307-6119.

Thank you for your cooperation in this important data collection effort.

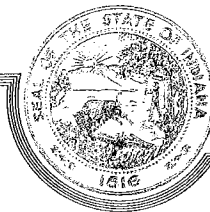
Sincerely,

A handwritten signature in cursive script that reads "Matthew R. Durose".

Matthew R. Durose  
Statistician  
Bureau of Justice Statistics  
U.S. Department of Justice  
810 7<sup>th</sup> Street NW  
Washington, DC 20531

# STATE - INDIANA

## DIVISION OF STATE COURT ADMINISTRATION



## SUPREME COURT

RANDALL T. SHEPARD, CHIEF JUSTICE

LILIA G. JUDSON, EXECUTIVE DIRECTOR

DAVID J. REMONDINI, CHIEF DEPUTY EXECUTIVE DIRECTOR

30 SOUTH MERIDIAN STREET SUITE 500  
INDIANAPOLIS, IN 46204-3568  
(317) 232-2542  
FAX (317) 233-6586  
[www.IN.gov/judiciary](http://www.IN.gov/judiciary)

March 12, 2008

Ms Latrice M. Brogsdale-Davis  
Supervisory Survey Statistician  
U.S. Census Bureau  
4600 Silver Hill Road, Rm-6K250A  
Govs Division  
Washington, DC 20233

Dear Ms Brogsdale-Davis:

Your request to obtain bulk distribution of data from Indiana trial courts has been approved by the Division of State Court Administration pursuant to Administrative Rule 9(F), subject to the terms of the User Agreement for Bulk Distribution of Data. At this time, the Division has only approved the release of bulk records that are otherwise available to the public.

An executed copy of your user agreement is enclosed. This agreement will expire on January 31, 2009. Also enclosed is a distribution receipt form that must be completed and returned to this office within thirty (30) days of receiving bulk distribution of court records. If you have any questions, please contact staff attorney Kristin Donnelly-Miller of our office or me.

Sincerely,

James R. Walker  
Director of Trial Court Management

Enclosure



**Indiana Supreme Court  
Division of State Court Administration**

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- D. the frequency of the transfer of data and information to the third party. Once every two years.
- E. Attach a copy of the Agreement entered into or intended to be entered into with each third party.

See attached letter from Mr. Durose.

By signing this request, I represent that I am authorized to do so on behalf of Applicant.

L. Bregdsdale Davis  
Signature

Latrice M. Bregdsdale-Davis  
Printed Name

Supervisory Survey Statistician  
Title

2/25/08  
Date

**U.S. Department of Justice****Office of Justice Programs*****Bureau of Justice Statistics***

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*Washington, D.C. 20531*

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Sincerely,

A handwritten signature in cursive script that reads "Matthew R. Durose".

Matthew R. Durose  
Statistician  
Bureau of Justice Statistics  
U.S. Department of Justice  
810 7<sup>th</sup> Street NW  
Washington, DC 20531

### 2006 NJRP Record Layout

Item #	Character Position	Field Length	Variable Name	Variable Description
1	001-017	17	Juris.	Felony court jurisdiction Identifier ( <b>Leave blank</b> )
2	018-047	30	Name	Felon's name
3	048-062	15	ID	Felony court case identifier
4	063-070	08	DOB	Date of birth (mmddyyyy)
5	071-071	01	Gender	Felon's Gender
<sup>1*</sup> 6	<b>072-072</b>	<b>01</b>	<b>Race</b>	<b>Felon's race</b>
7	073-073	01	Ethnicity	Hispanic origin
8	074-081	08	Arrested	Date of arrest (mmddyyyy)
9	082-089	08	Convicted	Date of conviction (mmddyyyy)
10	090-090	01	Nature	Nature of conviction
11	091-092	02	Number	Number of conviction charges
12	093-100	08	Sentenced	Date of sentence (mmddyyyy)
13	101-101	01	Prison	Type sentence = prison
14	102-102	01	Jail	Type sentence = jail
15	103-103	01	Probation	Type sentence = probation
16	104-104	01	Fine	Type sentence = fine
17	105-105	01	Restitution	Type sentence = restitution

<sup>1\*</sup> DENOTES NEW RACE CATEGORY FOR 2006, "TWO OR MORE RACES (NOT OF HISPANIC ORIGIN." SEE "VARIABLE NAMES AND DESCRIPTION CODES" document.

Item #	Character Position	Field Length	Variable Name	Variable Description
18	106-106	01	Treatment	Type sentence = treatment
19	107-107	01	Community Service	Type sentence = community service
20	108-108	01	Other	Type sentence = other
21	109-117	09	TOTMIN	Minimum jail/prison term for all conviction charges (yyymmmddd)
22	118-126	09	TOTMAX	Maximum jail/prison term for all conviction charges (yyymmmddd)
23	127-135	09	Probation Term	Probation term imposed for all conviction charges (yyymmmddd)
24	136-144	09	Suspend/Defer.	Length of prison sentence suspended or deferred for all conviction charges (yyymmmddd)
25	145-145	01	Consecutive	Consecutive sentence imposed
26	146-160	15	Conv1	Penal code citation-most serious conviction charge
27	161-175	15	Ctcode1	Court code/description for most serious conviction charge
28	176-178	03	NJRP-1	<b>Leave blank</b>
29	179	01	Attempt1	Attempted/conspiracy most serious conviction charge
30	180-188	09	Maxlen1	<b>Maximum sentence length-most serious conviction charge (yyymmmddd)</b>
31	189-203	15	Conv2	Penal code citation-2nd serious conviction charge
32	204-218	15	Ctcode2	Court code/description - 2nd serious conviction charge

Item #	Character Position	Field Length	Variable Name	Variable Description
33	219-221	03	NJRP-2	<b>Leave blank</b>
34	222	01	Attempt2	Attempted/conspiracy-2nd serious conviction charge
35	223-237	15	Conv3	Penal code citation - 3rd serious conviction charge
36	238-252	15	Ctcode3	Court code/description - 3rd serious conviction charge
37	253-255	03	NJRP-3	<b>Leave blank</b>
38	256	01	Attempt3	Attempt/conspiracy - 3rd serious conviction charge
<sup>2*</sup> 39	<b>257</b>	<b>10</b>	<b>State ID</b>	<b>Unique state identifier for felon</b>
<sup>2*</sup> 40	<b>267</b>	<b>5</b>	<b>County ID</b>	<b>Unique county ID number</b>

<sup>2\*</sup> **DENOTES NEW ITEM FOR 2006.**



## 2006 National Judicial Reporting Program (NJRP)

### Variable Names and Description Codes

Use the following when creating your data file, adhering to the character position and description codes for each data item for the National Judicial Reporting Program. The forty (40) numbered items below correspond to the numbered columns on the 2006 NJRP Record Layout. If unable to use the NJRP variable name and/or codes, submit documentation for all record layouts and codes used.

<u>Item #</u>	<u>Character Position</u>	<u>Variable Name</u>	<u>Description/Codes</u>
1	001-017	Juris. ID	<b>LEAVE BLANK (for Census use)</b>
2	018- 047	Felon's Name	Provide the felon's full name, last name first, if known. If unknown, code 9999999999999999.
3	048- 062	Felony Court Case ID	Provide the felony court case identification number as it is employed by the court to keep track of cases. It may be an alpha, a numeric, or an alpha-numeric combination. If the case ID is not applicable or not known, assign a unique ID. Use the same ID for all conviction charges for a single individual sentenced on the same day for all charges.
4	063-070	Date of Birth	Using the mmddyyyy format, enter the felon's date of birth. Use code 99 for any part of the birth date which is not known and 9999 for the year if the birth year is not known. Codes:   mm = 01 to 12 dd = 01 to 31 yyyy = four digit (i.e. 1966) Unknown = 99
5	071	Gender	Provide the felon's gender using the following codes: 1= Male 2= Female 9= Unknown
6	072	Race	Provide the felon's race using the following codes: 1= White (includes white Hispanic) 2= Black (includes black Hispanic) 3= American Indian or Alaskan Native 4= Asian (includes Chinese, Indian, Korean, Japanese, Philippine) 5= Native Hawaiian or Pacific Islander <b>*6=Two or More Races (Not of Hispanic Origin)</b> 9= Unknown and others not listed above
7	073	Ethnicity	Use the following codes to enter Hispanic origin: 1= Not Hispanic 2= Hispanic, Mexican origin 3= Hispanic, Puerto Rican origin 4= Hispanic, Cuban origin 5= Hispanic, Central or South American origin 6= Hispanic, Other origin 7= Hispanic, Subgroup origin unknown 9= Unknown if Hispanic

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\* DENOTES NEW RACE CATEGORY FOR 2006

8	074-081	Date Arrested	Provide the date of arrest using the mmddyyyy format. Use the same instructions and codes as specified in item 4. If the same person was convicted of multiple charges stemming from different arrests, enter the date of arrest related to the most serious conviction charge.
9	082-089	Date Convicted	Provide the date on which the defendant was found guilty at trial or plead guilty, using the mmddyyyy format. Use the same instructions and codes as specified in item 4. If the same person was convicted of multiple charges stemming from different arrests, enter the date of conviction related to the most serious conviction charge.
10	090	Nature of Conviction	Determine if the nature of conviction was by jury or bench trial, or guilty plea.  1= Jury Trial 2= Bench Trial 3= Trial (unable to determine jury or bench) 4= Plea 9=Unknown
11	091-092	Number of Conviction Charges	Provide the total number of felony charges or counts on which the felon was convicted on the current sentencing date using two digits. <b>Sentencing enhancements (e.g., career criminal, use of gun) are to be included in this count ONLY IF those sentencing enhancements appear as separate charges.</b>  Each charge/count should be counted separately. For example, if the defendant was convicted of 3 counts of robbery, 1 count of burglary and 2 counts of larceny, the number of charges/counts is 06.  1= 01 2= 02 99= unknown
12	093-100	Date Sentenced	Provide the date of sentencing using the mmddyyyy format. Use the same instruction and codes as specified in item 4.
13-20	101-108	Type of Sentence	Classify the felon's type of sentence using the following codes:  Code "1" (yes) for all that apply  Code "2" (no) for those that do not apply  Code "9" (unknown) for those categories which are unknown or if the type of sentence is entirely unknown.  101 Prison 102 Jail 103 Probation 104 Fine 105 Restitution 106 Treatment 107 Community Service 108 Other  <b>Code "1" (yes) for probation (field 103) if the sentence type is community control (i.e. house arrest, electronic monitoring)</b>  If the sentence does not fit any of the first seven sentence types (fields 101-107), code "1" for other (field 108). <b>PROVIDE DOCUMENTATION OF WHAT TYPES OF SENTENCES ARE CLASSIFIED AS "OTHER."</b>

21, 22	109-111	<u>TOTMIN/TOTMAX</u> Total Minimum Years	For all jail and prison sentences, provide both the minimum and maximum sentence lengths for ALL felony charges. If either the minimum or maximum is unknown, or not applicable, code as specified in item 22 below. Flat or determinate sentences should be entered in the "maximum" field (character position 118-126). The "minimum" term (character position 109-117) for those cases should be coded 998998998 for not applicable. If sentences are to be served consecutively, sum the total. If concurrent, enter the longest sentence. The preferred sentence format is yyymmddd.
	112-114	Total Minimum Months	
	115-117	Total Minimum Days	
	118-120	Total Maximum Years	
	121-123	Total Maximum Months	
	124-126	Total Maximum Days	
			<p>For special sentence lengths (i.e. life, death) use the following codes:            992992992= Life (unknown if eligible for parole)            993993993= Life (not eligible for parole)            994994994= Life plus additional years            996996996= Life (with possibility of parole)            997997997= Death            998998998= Not applicable (no minimum or maximum jail term)            999999999= Sentence length not known</p> <p><b><u>NOTE:</u></b> We are interested in "effective" sentences or "actual" time served. If the felon received a 5 year sentence with one year suspended, report the maximum PRISON sentence for this defendant as 4 years (004000000). Report the suspended time in fields 136-144. If the suspended prison portion of the sentence is considered a probation period, report that amount of time in item 23 (character positions 127-135). If you are unable to report the "effective" prison sentence, provide the entire prison sentence as handed down and report the amount of prison time suspended in item 24 (character positions 136-144). <b><u>DO NOT REPORT SUSPENDED TIME FOR JAIL SENTENCES.</u></b>  <b>PROVIDE DOCUMENTATION TO INDICATE WHETHER SUSPENDED TIME IS INCLUDED IN THE TOTAL SENTENCE LENGTH.</b></p>
23	127-129	<u>Probation Term</u> Probation Years	For all probation sentences, provide the probation term in this field. If unknown or not applicable, code as specified in 21 & 22. If the probation term is a range, i.e., 2-5 years, provide only the maximum probation period in character positions 127-135 (in the example, 005000000). If the sentence is Community Control, code the length of time in this field. If the sentence includes Community Control followed by a period of probation, add the two sentences and provide the total in this field. <b>If the sentence is probation for a life term, use code "993993993."</b>
	130-132	Probation Months	
	133-135	Probation Days	
24	136-138	<u>Suspend/Defer</u> Suspended Years	If applicable, enter the amount of the prison sentence which has been suspended or deferred using the same sentence length format as previously indicated. If no portion of the sentence was suspended or deferred, code "998" in each year, month, and day field for not applicable. If part of the sentence was suspended or deferred, but the amount of time is not known, code "999" in each year, month, and day field. <b>PROVIDE DOCUMENTATION TO INDICATE IF SUSPENDED TIME HAS BEEN SUBTRACTED FROM THE MINIMUM, THE MAXIMUM OR BOTH SENTENCE LENGTHS.</b>
	139-141	Suspended Months	
	142-144	Suspended Days	
25	145	Consecutive Sentence	<p>Provide one of the following codes if applicable:</p> <p>1= Yes, the felon was convicted of two or more charges/counts and will serve prison time on one charge and then time on the other.</p> <p>2= No, the felon was convicted of two or more charges/counts and will serve time in prison for the two or more sentences at the same time.</p> <p>8= Not applicable, the felon was currently convicted of only one charge or the felon was not sentenced to prison. <u>Jail and probation sentences must be coded "8".</u></p> <p>9= Unknown, the felon was convicted of more than one charge and sentenced to prison, but it is unknown whether the sentence is consecutive.</p>

**ONLY PROVIDE INFORMATION ON CONSECUTIVE AND CONCURRENT SENTENCES HANDED DOWN IN 2006. DO NOT PROVIDE THIS INFORMATION FOR SENTENCES PREVIOUSLY OR CURRENTLY BEING SERVED.**

26,31,35	146-160	<u>Conv1, 2, 3</u> Most Serious Conviction Charge	Provide the entire penal code citation as it appears on the file. Include hyphens, spaces, etc. The felon being sentenced may have been convicted on more than one charge or count. States may vary in how they rate the seriousness of different types of crime. Therefore, use the following order of seriousness in ranking offenses regardless of what the state code may provide:  1. Homicide 2. Rape and Sexual Assault 3. Robbery, Carjacking 4. Aggravated Assault 5. Burglary 6. Drug Trafficking/Selling/Distribution 7. Weapons 8. Forgery/Fraud/Embezzlement 9. Larceny/Theft 10. Drug possession 11. All other felonies (not listed above) <b>If there is no 2<sup>nd</sup> or 3<sup>rd</sup> conviction charge, code fields 189-203 and 223-237, "999999999999998" for not applicable. If there is a 2<sup>nd</sup> or 3<sup>rd</sup> conviction charge and the penal code citation is not known, code fields 189-203 and 223-237 "999999999999999."</b>
	189-203	2 <sup>nd</sup> Serious Conviction Charge	
	223-237	3 <sup>rd</sup> Serious Conviction Charge	
27,32,36	161-175	<u>Ctcode 1,2,3</u> Most Serious Conv. Description	If available, provide the court's abbreviated description for the penal code citation. For example, assault with a deadly weapon may be abbreviated AWDW or Attempted Robbery may be ATTROB. If you have provided a penal code citation, but do not know the court description, code the item "999999999999999" for unknown. If there is no 2 <sup>nd</sup> or 3 <sup>rd</sup> charge, code fields 204-218 and 238-252, "999999999999998" for not applicable.
	204-218	2 <sup>nd</sup> Serious Conv. Description	
	238-252	3 <sup>rd</sup> Serious Conv. Description	
28,33,37	176-178 219-221 253-255	<u>NJRP-1,2,3,</u> <u>Recode</u>	<b>LEAVE BLANK (for Census use)</b>
29,34,38	179	<u>Attempt 1,2,3</u> Most Serious Conviction Charge	Determine whether the conviction charge was or some form of attempt or conspiracy (i.e., aid, abet, facilitation, solicitation), or a completed crime. Provide one of the following codes:  1= Attempt/Conspiracy 2= Completed Crime 8= Not applicable, no 2 <sup>nd</sup> or 3 <sup>rd</sup> charge 9= Unknown  <b>If there is no 2<sup>nd</sup> or 3<sup>rd</sup> charge, code fields (222 and 256) "8" for not applicable.</b>
	222	2 <sup>nd</sup> Serious Conviction Charge	
	256	3 <sup>rd</sup> Serious Conviction Charge	
30	180-182	<u>MAXLEN1</u> Maximum Years	If applicable, <b>CODE THE FELON'S MAXIMUM SENTENCE LENGTH ASSOCIATED WITH THE MOST SERIOUS CONVICTION CHARGE for PRISON sentences only.</b> This item does not apply to jail terms. Do not include suspended time. Use the coding instructions provided in items 21 and 22.
	183-185	Maximum Months	
	186-188	Maximum Days	

If the sentence is to jail or some other non-prison sentence, code "998" in each year, month, and day field for not applicable. If the sentence is to prison, but the amount of time for the most serious charge is unknown, code "999" in each year, month and day field.

\*39            257-266            State ID

A unique state identifier each state uses to compile criminal history records (or RAP sheets) for felons in their state. These numbers usually start with the state abbreviation, followed by up to eight numbers ( e.g., AZ12345678). If the state ID is unknown, code as 9999999999.

\*40            267            County ID

Unique county identifier for every county being reported.

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**\*DENOTES NEW ITEM FOR 2006**



## Indiana Supreme Court Division of State Court Administration

### USER AGREEMENT FOR BULK DISTRIBUTION OF DATA OR COMPILED INFORMATION NOT EXCLUDED FROM PUBLIC ACCESS UNDER ADMINISTRATIVE RULE 9

The Indiana Supreme Court through its Division of State Court Administration ("Division") and US Census Bureau ("Requesting Party") hereby enter into this User Agreement for Bulk Distribution of Data or Compiled Information ("Agreement") for the purpose of establishing roles and responsibilities associated with the dissemination and use of Indiana court information pursuant to the provisions of Administrative Rule 9 of the Indiana Rules of Court ("Rule 9").

#### Recitals

- A. Pursuant to Rule 9(F)(2), the Division is responsible for approving all requests for bulk distribution of Data or Compiled Information by Indiana Courts.
- B. The Division reviews each request for bulk distribution to insure that the request is consistent with the purposes of Rule 9 and that each request is an appropriate use of public resources.
- C. The Requesting Party seeks bulk distribution of Data or Compiled Information for its own use and understands that it must comply with the provisions of this Agreement.
- D. The Division requires that the Requesting Party understand and agree to comply with certain restrictions on usage of the Data and Compiled Information.
- E. The Requesting Party is not automatically entitled to the distribution of Data or Compiled Information of a county simply by the approval of this user agreement by the Division.
- F. The Requesting Party will be required to pay reasonable costs incurred by the Division or by the responding Court/Clerk in responding to the request for bulk distribution.
- G. The bulk distribution is limited to court records, even if the Requesting Party is seeking other information that is governed by other agencies' policies.

#### Agreement

1. **Definitions.** For the purpose of this Agreement, the following definitions shall apply:

- A. "Administrative Record" means any document, information, data, or other item created, collected, received, or maintained by a Court, Court agency, or Clerk of

Court pertaining to the administration of the judicial branch of government and not associated with any particular case or other agency.

- B. "Agreement" means this User Agreement for Bulk Distribution of Data or Compiled Information, as well as any attachments or exhibits that may be affixed to this document or referenced within the agreement.
- C. "Bulk Distribution" means the distribution of all, or a significant subset of Court Records not excluded from public access, in electronic form if possible, as is, and without modification or compilation.
- D. "Case Record" means any document, information, data, or other item created, collected, received, or maintained by a Court, Court Agency or Clerk of Court in connection with a particular case, not otherwise governed by Rule 9(G) or (H).
- E. "Clerk of Court" means the Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court, the Clerk of a Circuit, Superior, Probate or County Court, the Clerk of a City or Town Court, and the Clerk of a Marion County Small Claims Court, including staff.
- F. "Compiled Information" means information that is derived from the selection, aggregation or reformulation of all or a subset of all of the information from more than one individual Court Record in electronic form in response to the approved request for bulk distribution.
- G. "Court" means the Indiana Supreme Court, Court of Appeals, Tax Court, and all Circuit, Superior, Probate, County, City, Town, or Small Claims Courts as well as any division, section, office, unit, or other entity of the Court, as well as any of the officers, officials, employees, volunteers, contractors, or others acting as representatives lawfully representing the Court.
- H. "Court Records" means both Case Records and Administrative Records.
- I. "Data" means any computer or machine-readable copy of Court Records provided by a Court to the Requesting Party.
- J. "Subscriber" means a client or customer of Requesting Party to whom bulk Data or compiled information is provided or to whom access to bulk Data or Compiled Information is given.
- K. "Public Access" means the process whereby a person may inspect and copy the information in a Court Record, not excluded by Rule 9(G) or (H).
- L. "Requesting Party" includes the above-identified party and all entities and known names under which the business operates, all subsidiaries that will utilize the Data or Compiled Information provided and all names under which subsequent individual requests to counties shall be made.

2. **Grant.** Subject to permission from the counties or Courts identified below, the Division hereby grants to the Requesting Party restricted authorization to receive from such counties or Courts the Court Records specifically identified below for the Requesting Party's use in accordance with the terms and conditions contained herein.

Execution of this Agreement and approval of the Requesting Party's request by the Division do not create any mandatory obligation on the part of any county or Court to provide Court Records to the requesting Party. Pursuant to Administrative Rule 9(F), the counties or Courts identified below must determine on an individual basis whether resources are available to transfer the Court Records to the Requesting Party and whether fulfilling the request is an appropriate use of public resources. Counties and Courts must determine on an individual basis whether to assess a reasonable charge and the amount of that charge for providing the Court Records to the Requesting Party.

**A. Court Records sought:**

2006 Sentenced Felon Records (see record layout for specifics)

**B. Requested Counties:**

Johnson County

3. **Rights and Interests.** All rights, title and interests in and to the Court Records including all intellectual property rights therein shall remain with the counties or Courts. The Requesting Party shall not gain any proprietary right to or interest in any Court Records provided to the Requesting Party as a result of this Agreement. All rights, title and interests in materials created by or for Requesting Party for use in connection with the Court Records including all intellectual property rights therein shall be owned by the Division and the Requesting Party hereby assigns such rights, title and interests to the Division. Those rights may not be transferred, assigned, or sold for any purpose to any person, corporation, partnership, association, or organization of any kind. The Requesting Party shall provide the Division with the names of all entities related in any way to the Requesting Party, including subsidiaries and affiliates, the names under which the Requesting Party is doing business and any other related entity names. The Requesting Party shall supplement this agreement within thirty (30) days of a change in the list of names provided to the Division as requested by this Section 3.
4. **Ongoing Data Scrubbing and Update Requirements.** The Requesting Party shall comply fully with Rule 9 and shall delete any Social Security Number, bank account number and any other confidential information that is inadvertently included in the Court Records and take other appropriate action to ensure that such confidential information is not disclosed to others. Upon notice, the Requesting Party shall comply with future orders to scrub data if they should arise.
5. **Restrictions on Use of Data.**
  - A. **Compliance With Authorities.** The Requesting Party shall comply with all current and, as subsequently amended, federal and state laws, court rules, administrative rules and policies governing, regulating, and/or relating to Court Records.
  - B. **Resale of Data.** Except as set forth in Section 6, the Requesting Party shall not reproduce, resell or otherwise distribute the Court Records or Data provided pursuant to this Agreement except in response to an inquiry from an individual for a Court Record or compilations or reports incidental to such individual Case



Record as part of a service provided by Requesting Party. The Requesting Party shall not reconfigure the Court Records for subsequent bulk distributions.

- C. **Policies for dissemination of Data.** The Requesting Party shall not disseminate Court Records to the public through remote electronic access such as the Internet or other electronic method unless the County Clerk first obtains approval from the Division under Trial Rule 77(K). In the event the Requesting Party plans to offer a service allowing others to review the Court Records and disseminate information in the Court Records to subscribers, customers, clients, or other third parties, a current copy of the Requesting Party's policies and information related to the dissemination shall be attached hereto as an Exhibit B. The Requesting Party is under an ongoing obligation to provide the Division with a copy of any updated Policy information within thirty (30) days of its modification.
6. **Bulk Transfer to Third Parties.** If the Requesting Party has submitted a request to transfer bulk Data or Compiled Information to third parties as part of the Request attached hereto as Exhibit C and such request has been approved by the Division as part of the Approval Letter attached hereto as Exhibit D, then the Requesting Party may transfer the bulk Data and Compiled Information it is authorized to receive under this Agreement to such third party subject to the terms of this Agreement. The Requesting Party shall supplement its Request in Exhibit C with a copy of any Agreement entered into with the third party subject to the execution of this Agreement. The Requesting Party may not transfer bulk Data or Compiled Information to any third party who has not signed a User Agreement with the Division. The Requesting Party may not charge the third party any more than the amount for time and material set forth in Exhibit C.
7. **Reporting Requirement.** Within thirty (30) days after the Requesting Party has received the first or only distribution of Court Records, the Requesting Party shall file with the Division of State Court Administration the Distribution Receipt Form, attached hereto as Exhibit E (Form TCM-AR9(F)-3).
8. **Disclosure Requirements.** The Requesting Party shall provide a disclosure statement similar to the one set forth below to each subscriber, customer, client or other third party who is provided access to the Court Records at the time any information from the Court Records is made available to them. At a minimum, the Requesting Party will ensure that a statement similar to the one set forth below, is displayed or provided to each subscriber, customer, client or other third party every time information from the Court Records is made available.

*The data or information provided is based on information obtained from Indiana Courts on \_\_\_\_\_ (insert date most current version was created or in the case of data from multiple sources, the range of dates relevant to the displayed data). The Division of State Court Administration and the Indiana Courts and Clerks of Court: 1) Do not warrant that the information is accurate or complete; 2) Make no representations regarding the identity of any persons whose names appear in the information; and 3) Disclaim any liability for any damages resulting from the release or use of the information.*

*The user should verify the information by personally consulting the official record maintained by the court in question.*

9. **Audits.** The Division may, at its discretion, perform audits to verify compliance with the terms and conditions of this Agreement and the appropriate use of the Court Records. The Requesting Party shall cooperate with the Division in such audit.

- A. The Requesting Party agrees that the Division may include “control” or “salted” data as a portion of the Court Records as a means to ensure that any personally identifiable information is not used for commercial solicitation purposes or in an indiscriminate and reckless manner.
- B. The Requesting Party agrees to provide the Division with access, at no charge, to any database created using the Court Records for the purpose of monitoring and auditing contract compliance.
- C. The Requesting Party agrees to provide the Division with copies of the materials and information the Requesting Party provides its subscribers, customers, clients, or other third parties.

10. **Disclaimer of Warranties.** The Division, Courts, and Clerks of Court provide no warranties, express or implied and specifically disclaim without limitation any implied warranties of merchantability and fitness for a particular purpose, with respect to the Court Records or Data provided under this Agreement. All Court Records and Data provided under this Agreement is provided “As Is”. The Division, Courts, and Clerks of Court further provide no warranties, express or implied, that the Court Records or Data is accurate, current, correct, or complete. It is expressly understood that it is the responsibility of the Requesting Party and/or its subscribers, customers, clients, or other third parties to whom the Court Records and Data is supplied to verify the Court Records and Data with the official information maintained by the Court having jurisdiction over the Court Records. **Reproductions of the Court Records or Data provided to the Requesting Party shall not be represented as a certified copy of the Court Record.**

11. **Limitation of Liability.** The Requesting Party acknowledges and accepts that the Court Records or Data may include errors or omissions and, therefore the Requesting Party agrees, that the Division, Courts, and Clerks of Court shall not be responsible or liable in any way whatsoever for the validity of the Court Records or Data. Specifically:

- A. The Division, Courts, and Clerks of Court shall not be liable for any demand or claim, regardless of the form of action, for any damages resulting from the use by the Requesting Party or any of its subscribers, authors, clients or other third parties of the Court Records or Data.
- B. The Division, Courts, and Clerks of Court shall not be liable for any demand or claim, regardless of form of action, for any damages arising from incorrect or incomplete information provided under this Agreement.

C. The Division, Courts, and Clerks of Court shall not be liable to the Requesting Party or any other party for any loss, including revenue, profits, time, goodwill, computer time, destruction of data, damages or any other indirect, special or consequential damage which may rise from the use, operation, distribution, transfer or modification of the Court Records or Data.

12. **Indemnification.** The Requesting Party shall defend, indemnify, and hold harmless the Division, Courts, and Clerks of Court, their respective employees and agents, and the State of Indiana from and against all claims, demands, suits, actions, judgments, damages, loss or risk of loss (including expenses, costs, and attorney fees) of any and every kind and by whomever and whenever alleged or asserted arising out of or related to any use, distribution or transfer made of the Court Records or Data by the Requesting Party or any of its subscribers, customers, clients or third parties.

13. **Assignment.** The Requesting Party may not, without the express written permission of the Division, transfer or assign: (i) this Agreement or any portion thereof; (ii) any right or benefit accruing to the Requesting Party under this Agreement; nor (iii) any claim arising under this Agreement.

14. **Termination and Renewal.**

A. **General.** Either the Division or the Requesting Party upon thirty (30) days written notice may terminate this Agreement without cause.

B. **Renewal.** This agreement expires on January 31, 2009, subject to renewal upon request by the Requesting Party. Renewal Requests may be sent to the Division after January 1, 2009. The renewal shall be for one calendar year. The Division will post the Renewal Form on the Supreme Court website at [www.in.gov/judiciary/admin/forms/admin/index.html](http://www.in.gov/judiciary/admin/forms/admin/index.html).

C. **Termination for Cause.** The Requesting Party shall be responsible and liable for any violations of this Agreement by the Requesting Party or any officer, employee, agent, subscriber, customer, or client of the Requesting Party or any third party to whom the Requesting Party has transferred bulk Data or Compiled Information and any such violation shall result in immediate termination of this agreement by the Division, at which time all Court Records and Data supplied to Requesting Party or any officer, employee or agent of the Requesting Party in any form will immediately be returned to the Division. In such event, the Requesting Party shall be liable for damages as authorized by law.

D. **Termination for Nonpayment.** The Division may immediately, without notice, terminate this Agreement for failure of Requesting Party to pay an invoice for costs associated with the preparation or transfer of the Court Records and Data outstanding longer than 30 days.

E. **Termination in Event of Assignment.** The Division in its sole discretion may terminate this Agreement without notice if the Requesting Party transfers or assigns, without the express written permission of the Division: (i) this Agreement

or any portion thereof; (ii) any right or benefit accruing to the Requesting Party under this Agreement; nor (iii) any claim arising under this agreement.

- F. **Termination in Event of Failure to Update.** The Requesting Party is under an ongoing obligation to provide the Division with a complete list of entities and names under which the Requesting Party conducts business. The Division, in its sole discretion, may terminate this Agreement if the Requesting Party does not update any of the information required to be submitted in the Request attached as Exhibit C.

15. **Attachments.** This Agreement incorporates by way of attachment the following:

- A. A list of all known business entity names related to the Requesting Party that will participate in the use and dissemination of the Data provided as Exhibit A;
- B. The company policies provided to the Requesting Party's subscribers, customers, clients or other third parties as Exhibit B;
- C. The original Request provided to the Division from the Requesting Party as Exhibit C; and
- D. The approval letter provided to the Requesting Party from the Division as Exhibit D.
- E. The Distribution Receipt Forms (Form TCM-AR9(F)-3).

These Exhibits may be amended or modified and are required to be updated by the Requesting Party in accordance with the terms of this Agreement. The amendments and or modifications shall be incorporated into this Agreement by reference on the attachments.

The undersigned individuals represent that they have the authority to execute this Agreement on behalf of their respective parties and execute this Agreement to be effective this 11<sup>th</sup> day of March, 2008.

Requesting Party

By:

Printed:

Title: Supervisory Survey Statistician

Date:

Division

By:

Lilia Judson

Executive Director, Indiana Supreme Court  
Division of State Court Administration

Date:

## ATTACHMENT A

### Associated Business Entity Names

- US Department of Justice, Bureau of Justice Statistics
- US Census Bureau

## ATTACHMENT C

Original Request – documents were mailed via Fedex to Ms. Donnelly-Miller on February 25, 2008.